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ELIMINATION OF RACISM AND RACIAL DISCRIMINATION

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report on contemporary forms of racism, racial discrimination, xenophobia and related intolerance prepared by Mr. Maurice Glélé-Ahanhanzo, Special Rapporteur of the Commission on Human Rights, in accordance with Commission on Human Rights resolutions 1993/20 and 1994/64 and Economic and Social Council decision 1994/307.

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ANNEX

Report on contemporary forms of racism, racial discrimination, xenophobia and related intolerance prepared by the Special Rapporteur of the Commission on Human Rights in accordance with Commission on Human Rights resolutions 1993/20 and 1994/64 and Economic and Social Council decision 1994/307

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INTRODUCTION

1. In its resolution 1993/20 of 2 March 1993, the Commission on Human Rights decided to appoint, for a three-year period, a special rapporteur on contemporary forms of racism, racial discrimination and xenophobia and related intolerance, and to request him to report thereon to the Commission on an annual basis, beginning at its fiftieth session.

2. In the same resolution, the Commission expressed its deep concern at the manifestations of racism, racial discrimination and xenophobia in many parts of the world and recommended that the General Assembly should launch a third decade to combat racism and racial discrimination, to begin in 1993.

3. The Commission also emphasized the obligation of the international community to take urgent measures to eradicate apartheid completely and to combat all other forms of racism, racial discrimination, xenophobia and related intolerance, including those practised against vulnerable groups. It also confirmed the importance of a complementarity of economic, social, educational and information measures at the national level, including legislative, administrative and penal measures, and of measures taken at the international level.

4. The Commission recognized the importance of activities aimed at directly assisting vulnerable groups to strengthen their participation in national economic, social and political life and appealed to all Governments to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The Commission urged all Governments to undertake immediate measures and to develop strong policies effectively to combat racism and eliminate discrimination.

5. Finally, the Commission requested the Secretary-General to provide the special rapporteur with all the necessary assistance, in particular the staff and resources required to perform his or her functions, especially in carrying out missions and following them up.

6. Appointed Special Rapporteur on 7 December 1993, Mr. Maurice Glélé-Ahanhanzo (Benin) submitted his preliminary report (E/CN.4/1994/66) to the Commission on Human Rights at its fiftieth session in February 1994.

7. Having considered and taken note of the report, the Commission, in its resolution 1994/64 of 9 March 1994, welcomed the Special Rapporteur's proposal concerning the organization of an interdisciplinary seminar on the problems of the theoretical aspects and specific manifestations of contemporary forms of racism, racial discrimination and xenophobia.

8. The Commission also made the mandate more explicit by requesting the Special Rapporteur to examine incidents of contemporary forms of racism, racial discrimination, any form of discrimination against Blacks, Arabs and Muslims, xenophobia, negrophobia, anti-Semitism, and related intolerance, as well as

governmental measures to overcome them, and to report on those matters to the Commission at its fifty-first session.

9. The Commission also requested the Special Rapporteur to have an exchange of views with the relevant mechanisms and treaty bodies within the United Nations system, including the Committee on the Elimination of Racial Discrimination, in order to further enhance their effectiveness and mutual cooperation, and encouraged him, in close consultation with Governments, relevant organizations of the United Nations system, other intergovernmental and non-governmental organizations, to present further recommendations concerning human rights education with a view to preventing actions giving rise to racism and racial discrimination, xenophobia and related intolerance.

10. Lastly, the Commission requested the Secretary-General without further delay to provide the Special Rapporteur with all the necessary assistance in carrying out his mandate and enabling him to submit an interim report to the General Assembly at its forty-ninth session and a comprehensive report to the Commission at its fifty-first session.

11. On 3 November 1994, the Economic and Social Council, in its decision 1994/307, approved the Commission's request to the Secretary-General without further delay to provide the Special Rapporteur with all the necessary assistance in carrying out his mandate and enabling him to submit an interim report to the General Assembly at its forty-ninth session and a comprehensive report to the Commission at its fifty-first session.

12. It should be noted also that the Assistant Secretary-General for Human Rights, basing himself on the recommendations of the Vienna World Conference on Human Rights and the relevant resolutions of the Commission on Human Rights (1993/46 and 1994/45), sent a letter on 29 August 1994 to the Special Rapporteur, drawing his attention to the need to report regularly and systematically on available information on human rights violations affecting women.

13. Accordingly, this report has been prepared in response to the above-mentioned request of the Commission on Human Rights, which was approved by the Economic and Social Council, and takes account of the reminder from the Assistant Secretary-General for Human Rights concerning the particular situation of women. In the first section, the Special Rapporteur reviews the steps taken to define his mandate and then describes his working methods (sect. II). In section III, the Special Rapporteur reports on contemporary manifestations of racism and racial discrimination and on incidents which have been brought to his attention; he then proceeds in Chapter IV to identify the causes and vectors. Section V reviews the measures taken by Governments to remedy the situations described, the state of public opinion and initiatives of civil society, especially non-governmental organizations, that help to combat racism and promote social harmony. Lastly, section VI sets out the Special Rapporteur's conclusions and recommendations.

14. As administrative constraints limit the length of the report, the Special Rapporteur will include only material he considers essential.

I. CONCERNING THE MANDATE OF THE SPECIAL RAPPORTEUR

15. As the Special Rapporteur's mandate was dealt with at length in the preliminary report (E/CN.4/1994/66, paras. 9-31) it requires no further discussion. The Special Rapporteur would like to focus in this section on two key aspects, the main aims of the mandate and discrimination against Muslims, bearing in mind the new elements contained in Commission on Human Rights resolution 1994/64.

16. The Special Rapporteur's mandate, which includes "racism, racial discrimination, xenophobia and related intolerance", encompasses a broad range of situations. In its resolution 1993/20, the Commission placed emphasis on recent manifestations of racism and xenophobia in developed countries and in particular on the situation of migrant workers and other vulnerable groups. In that connection, the Commission specified, in resolution 1994/64, that the present study should deal with situations in which Blacks, Arabs and Muslims were the targets, and with xenophobia, negrophobia, anti-Semitism and related intolerance. Mention should also be made in this context of resolution 1993/30, in which the Commission recommended to all thematic rapporteurs that they should pay particular attention, within the framework of their mandates, to the situation of indigenous peoples.

17. In resolution 1994/64, the Commission requested the Special Rapporteur to examine discrimination against Muslims. While mindful of this element of his mandate (Islam in the contemporary world, Islamism, the Islamic headscarf, etc.), the Special Rapporteur considers that this issue should be taken up by the Special Rapporteur on religious intolerance in order to avoid any duplication of the latter's mandate.

II. WORKING METHODS OF THE SPECIAL RAPPORTEUR

A. Scope of analysis

18. The considerations outlined above show that the mandate covers a vast area of research and reflection that calls for an open and multidisciplinary methodological approach. The Special Rapporteur views it as a two-pronged approach, having a theoretical and conceptual side and a factual side.

19. First of all, the complexity and subtlety of the central theme - contemporary forms of racism, racial discrimination, xenophobia and related intolerance - should be stressed. Without embarking on a lengthy academic discourse, given the wealth of scholarly and scientific literature on the subject, particularly that prepared under the auspices of UNESCO 1/ and the Subcommission on Prevention of Discrimination and Protection of Minorities, 2/ it is important to review the background briefly and to present some definitions drawn from conventions and international instruments in order to establish an analytical framework and define the scope of the study.

20. Racism is a product of human history, a persistent phenomenon that recurs in different forms as societies develop, economically and socially and even scientifically and technologically, and in international relations. In its

specific sense, racism denotes a theory, which purports to be scientific but is in reality pseudo-scientific, of the immutable natural (or biological) inequality of human races, which leads to contempt, hatred, exclusion and persecution or even extermination. 3/ It differs in this respect from the stereotypes existing in many of the world's societies, which are not in themselves of any consequence but which may occasionally generate ethnic or religious tensions or conflicts that are frequently comparable to racism.

21. In modern times, the notion of racism is associated in particular with the names of Arthur de Gobineau 4/ and his disciples, Madison Grant, Houston Stewart Chamberlain, Baur, Fischer, Lenz and Günther. It appeared in the late nineteenth and early twentieth century in the context of the white man's claim to superiority - the "white man's burden" of carrying civilization to the other peoples of the world - over certain minorities living in Europe, including the Jews (see para. 37 below), and such peoples as the Slavs 5/ as well as Blacks and other peoples enslaved and subjugated by colonial expansion. 6/

22. Even Holy Scripture has been used to underpin and justify racism by reference to the curse of Shem and his descendants, supposedly the Blacks, and to the chosen people or, alternatively, to the crime of deicide, with the Jews being accused of killing Jesus Christ. The outcome was slavery and the Black slave trade, the age-old bleeding of Africa, and anti-Semitism, compounded by the economic power of the Jews.

23. Some authors have traced back to the great Greek philosopher Aristotle the theory of a hierarchy among men and peoples and of the natural inferiority of some peoples that destined them to slavery. Quoting Michael Banton, Hernán Cruz writes that, for Aristotle,

> "the people living in northern Europe were brave, but lacking in intelligence and consequently unfitted for political organization or the exercise of power. Asiatics were inventive and intelligent, but lacking in spirit. The Greeks, however, being geographically well situated, were accordingly by nature fitted to rule the earth. Aristotle maintained that slavery was a natural state of affairs. 'Those who are so much inferior to others as is the body to the soul, and beasts to men, are by nature slaves and benefit, like all inferiors, from living under the rule of a master.'" 7/

Thus do racial prejudices arise which persist undiminished to this day. 8/

24. Social science and humanities specialists agree that in the wake of the scientific and cultural demolishing of racist myths by UNESCO, the biologically based view of the phenomenon has recently lost ground among racism's staunchest adherents to a new concept centred on the hierarchy of cultures and their fundamental incommunicability. 9/ Thus those who advocate such a hierarchy are unaware of or deliberately misconstrue the latest scholarly and scientific literature, particularly that produced by UNESCO, on race and culture, the principles of equal dignity of the human individual, the affirmation of cultural identities and cultural diversity, values universally recognized at the World Conference on Cultural Policies, organized by UNESCO at Mexico City in 1982, and

enshrined in the Universal Declaration of Human Rights and the UNESCO Constitution. One might also mention here article 1 of the 1966 Declaration on the Principles of International Cultural Cooperation, which proclaims that each culture has a dignity and value which must be respected and preserved, that every people has the right and the duty to develop its culture, and that, in their rich variety and diversity, and in the reciprocal influences they exert on one another, all cultures form part of the common heritage belonging to all mankind. 10/

25. In any case, it bears noting that, as the twenty-first century approaches, theories that posit a biological (or genetic) justification for racial inequality remain in vogue: in the United States of America, the racist conclusions drawn by Charles Murray and Richard Herrnstein in their recent work on the lower intelligence quotient of Blacks have reverberated loudly both inside and outside the country, to such an extent that President Clinton had to speak out publicly against this resurgence of racism. The authors maintain that Blacks are genetically inferior to Whites, and that this is borne out by the discrepancy between the intelligence quotients of Blacks and Whites. There is thus no hope of bridging the intellectual gulf that separates the two races by means of palliative measures to benefit Blacks. 11/

26. The persecution suffered by Blacks continues to be associated with their physiological characteristics, their physical form and structure, the colour or pigmentation of their skin, viewed from an ethnographic or, at best, anthropological perspective that is often tinged with condescension for "ahistorical" peoples, to use Hegel's term, or "subhumans" or "savages".

27. In short, then, contemporary racism is a kind of anachronistic biological and cultural fundamentalism, given that the current trend of human societies is towards racial mixing and globalization.

28. Racial discrimination means the legitimization of racism and applies to all practices deriving therefrom. It is defined in the International Convention on the Elimination of All Forms of Racial Discrimination (General Assembly resolution 2106 A (XX), annex) as follows:

> "In this Convention, the term 'racial discrimination' shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life."

It should be stressed - for this is often overlooked - that the definition set out in the Convention refers not only to distinctions, exclusions, restrictions or preferences based on race, colour or descent but also to those based on national or ethnic origin. From this it can be seen that racial discrimination covers situations which do not have their origin in racial antagonisms stricto sensu, but have to do with within a single race or between ethnic groups animosities.

29. Xenophobia is defined as a rejection of outsiders. Heterophobia - that is, the fear of the Other - is only one of its dimensions. This feeling is based on the existence of persons resident in a country to which they do not belong. There are those who would distinguish xenophobia from racism, but in many cases the two phenomena are similar. Xenophobia is currently fed by such theories and movements as "national preference", "ethnic cleansing", by exclusions and by a desire on the part of communities to turn inward and reserve society's benefits in order to share them with people of the same culture or the same level of development. Today we seem to be witnessing an institutionalization of xenophobia in the form of the measures taken by certain States against migrant workers and asylum-seekers.

30. Intolerance would seem to be a generic yet all-encompassing term. In fact, intolerance is not a complement to racism, as the wording of the mandate would seem to imply, but lies at the root of other phenomena. It is the refusal to accept the Other for what he is, with his differences, and the violation of his integrity, his person or even his property because of his differences which lead to racism, racial discrimination and xenophobia.

31. In addition to the central theme which has just been clarified, the terms "negrophobia" and "anti-Semitism" which appear in Commission on Human Rights resolution 1994/64 merit further discussion.

32. Negrophobia is the fear and rejection of Blacks. This feeling is associated with age-old prejudices against peoples of black African origin. The African slave trade and colonization have helped to forge racial stereotypes that elicit contempt and incomprehension and linger in the consciousness of Europeans in particular.

33. Blacks have long been seen, and in some circles are still seen, as uncultured savages, repugnant yet capable of being worked to death. 12/ Answerable to the colour of his skin, the African, owing to historical events associated with his encounter with other peoples, has come to symbolize in the consciousness of these peoples "an imaginary and illusorily inferior racial essence of the Negro". 13/

34. One wonders here whether the contempt or condescension vis-à-vis Blacks observable in certain Asian or Arab and even Latin American countries comes from the negative image of Blacks disseminated by white racist colloquial speech or whether it is endogenous there. The Special Rapporteur would like to elicit some discussion on this delicate, not to say taboo, question and, if necessary, conduct some research in this area.

35. Without wishing to seem Manicheistic, the Special Rapporteur feels compelled to point out that racism is not a one-way street; racism begets racism and xenophobia - one need only look to the armed struggle against colonialism and such schools of thought as the Arab renaissance, Negritude (or the African personality), and the rehabilitation of indigenous cultures in several parts of the world. 14/ Meanwhile, the development of anti-White movements has been observed even in European countries. Nor can one overlook or underestimate the genuine fervour and humanitarian activities of the Société des Amis des Noirs or contemporary humanitarian efforts to promote the equal dignity of the human

person, to combat racism, racial discrimination and xenophobia and to develop the solidarity called for by the interdependence of the world's peoples and civilizations in which human rights have become the ultimate universal referent.

36. Negrophobia can be seen today in the labelling of Africans as the source of acquired immunodeficiency syndrome (AIDS). Africa is presented as the land of plagues without a future, while no analysis is made or indication given of the real, objective causes of the disasters, famines and armed conflicts afflicting the continent. 15/

37. Anti-Semitism is the despising of Jews. 16/ This sentiment can be considered to be one of the root causes of racial and religious hatred. It has served to convey a set of beliefs, myths, fears and fantasies that have fired the imaginations of generations of men, women and children. Pseudo-scientific anti-Semitism has been spread for the past 150 years, reaching its zenith in Nazi anti-Semitism and genocide. The anti-Semitism which has stamped in people's minds caricatures and hateful images of Jews, traditionally linked physically to Satan, usurers, exploiters and conspirators 17/ is the product of the Christian doctrine which in the Middle Ages accused the Jews of deicide - specifically, the killing of Jesus Christ. Certain adherents of Judaism continue to treat Christ as an impostor. However, this is a complex and difficult question which should be left to theologians and the competent clergy.

38. Having outlined this broad conceptual framework, the Special Rapporteur would now like to indicate the source materials on which he drew.

B. Sources

39. In the aforementioned resolution 1994/64, the Commission on Human Rights called upon all Governments, intergovernmental organizations and relevant organizations of the United Nations system, as well as the non-governmental organizations, to supply information to the Special Rapporteur. It also requested the Special Rapporteur to use any information that he might deem relevant to his mandate as established in Commission resolution 1993/20 of 2 March 1993.

40. On the basis of those recommendations, the Special Rapporteur on 11 February 1994 sent to States Members of the United Nations and to other States a detailed questionnaire with a view to informing them of his mandate and collecting information. The Secretary-General then sent a note verbale and letters dated 31 May 1994 to States, the specialized agencies and non-governmental organizations.

41. The following countries provided information in response to either the Special Rapporteur's questionnaire or the Secretary-General's note verbale, in accordance with Commission on Human Rights resolution 1994/64: Belarus, Benin, Bolivia, China, Czech Republic, Denmark, Germany, Ghana, Iran (Islamic Republic of), Iraq, Ireland, Israel, Jordan, Kuwait, Luxembourg, Mauritius, Mexico, Myanmar, Norway, Pakistan, Panama, Qatar, Romania, Saudi Arabia, Spain, Switzerland, Tunisia, Ukraine, Yemen and Zambia, a total of 30 States.

42. The Special Rapporteur also received assistance from the International Labour Office, particularly the Migration and Population Service, with which he held a working meeting.

43. Lastly, the Special Rapporteur would like to mention the communications he received from the Council of Europe, the European Commission of Human Rights and the League of Arab States.

44. Some non-governmental organizations, some of which are in consultative status with the Economic and Social Council, also provided information to the Special Rapporteur. These were: Anti-Racism Information Service, the International Association against Torture, the World Jewish Congress, the International Council of Jewish Women, the International Federation of Human Rights, the World Council of Churches, the International Movement Against All Forms of Discrimination and Racism, the International Women's Rights Action Watch, the International Human Rights Association of American Minorities, the Roma National Congress, the International Fellowship of Reconciliation and the Movement Against Racism and for Friendship among Peoples.

45. The information received was used only when it proved useful to this study. In addition, a number of Governments affirmed that racism, racial discrimination and xenophobia did not exist in their territory and in most cases they indicated the steps they had taken to prevent them. 18/ This information was supplemented, where necessary, by information gleaned from scientific publications and the press.

C. Missions

46. Missions, which both the Commission on Human Rights and the Economic and Social Council have recognized as useful 19/ are intended to allow the Special Rapporteur to assess the conditions actually prevailing in a country by giving him direct access to first-hand reports and to the dialogue established with the authorities of the countries concerned and key figures in civil society. Under no circumstances are missions intended to indict the Governments visited; on the contrary, they seek to bring to light, where possible, the efforts that are being made to rectify a situation identified as negative.

47. Missions are selected taking into account the criterion of geographical distribution and bearing in mind that racial discrimination is a phenomenon which, because of its multifaceted nature, occurs on all five continents.

48. By the end of 1994, the Special Rapporteur will have visited two countries: the United States of America, which he visited from 10 to 21 October, and the United Kingdom, which he will visit from 6 to 16 December. The reports on these missions will be issued as addenda to the report which will be submitted to the Commission on Human Rights at its fifty-first session, in February 1995, but the Special Rapporteur intends to give a brief summary in this report of cases which he learned about during his mission to the United States of America, and to give an idea of the general lines which his inquiries will follow in the United Kingdom.

49. In 1995, the Special Rapporteur plans to go to Brazil and Germany, whose Governments have already agreed in principle to his visit. Contacts have already been made with the French Government, and the Special Rapporteur expects to have a reply shortly. Contacts are to be made with countries in Africa, Latin America, Asia, Europe and the Pacific Ocean region, it being understood, however, that the Special Rapporteur is limited by the applicable rules to no more than three missions a year.

D. Seminar

50. In his preliminary report, the Special Rapporteur proposed the holding of a seminar for the purpose of bringing together specialists from several disciplines (anthropology, law, economics, history, philosophy and sociology) and persons active in combating racism and racial discrimination, in order to review current thinking on the question and to seek innovative means of suppressing contemporary outbreaks of racism and racial discrimination. While welcoming the Special Rapporteur's proposal, the Commission on Human Rights had not made the necessary resources available to the Secretariat for the convening of this meeting. Accordingly, as the General Assembly considers this report, the Special Rapporteur would like to enlist the Assembly's support for the holding of the seminar in 1995.

III. CONTEMPORARY MANIFESTATIONS OF RACISM AND RACIAL DISCRIMINATION AND INCIDENTS

51. Given the human and material circumstances under which the Special Rapporteur prepared this report, it would obviously be difficult here to list all contemporary manifestations of racism and racial discrimination or to discuss related events in details. If his working conditions improve, the Special Rapporteur hopes to be able to submit a more substantial document to the Commission on Human Rights. For the time being, however, he will confine himself to the most striking manifestations and incidents.

52. It should be made clear that the fact that the Special Rapporteur mentions certain countries here does not imply any wish on his part to stigmatize them. On the contrary, he would like to acknowledge the spirit of cooperation shown by these countries and the transparency - in contrast with other countries - with which they are dealing with the problems confronting them.

A. Racism and racial discrimination in general

53. During 1994, the Special Rapporteur ascertained that racism and racial discrimination persist, are taking increasingly violent forms and enjoy the support of growing numbers of fringe groups in several regions, particularly America and Europe. Ethnic hatred has brought about serious crises in Zaire and the former Soviet Union as well as in Rwanda and Yugoslavia. In the Sudan, the conflict between the Arabs of the north and the black Africans of the south continues to make headlines. The relations between Arab-Berbers and black

Africans in Mauritania and Tuaregs and black Africans in Mali have also drawn the attention of the Special Rapporteur.

54. In the United States of America, it is the country's African-American, Jewish, Arab, Hispanic (Latino) and Asian citizens as well as the indigenous population (Amerindians) who have daily experience of racism and racial discrimination, even though racial segregation has been officially abolished. In addition to these communities, which experience problems of integration into society, there are immigrants who come from the same countries. Here, the discrimination is indirect, subtle and condoned by the federal system, with individual states using their internal autonomy to bypass or oppose federal laws. A case in point is Proposition 187, recently adopted in California and now the subject of judicial proceedings. Furthermore, the liberal ideology which informs American society is reflected in an individualism which borders on egoism; merit or professional success becomes a dogma that ignore the causes of social inequalities, which have their origin in slavery and racial segregation, and dooms the positive steps taken by the federal Government to reduce inequalities and strike a balance between the different communities.

55. The universally proclaimed interdependence and indivisibility of civil and political rights and economic, social and cultural rights are not yet fully established in the United States of America. It is precisely in the socio-economic realm of housing, education, health and employment that African-Americans, native Americans, Hispanics and Asians suffer the most insidious racial discrimination. Women belonging to these communities suffer from double discrimination, particularly in employment. Police brutality and flaws in the criminal justice system are illustrated by frequent incidents which are given wide coverage in the mass media. It should also be noted that latent or muted tensions exist, caused by economic factors which accentuate the tendency of ethnic minority communities to live in ghettoes. Jews are particularly targeted by the racist propaganda of extreme right-wing movements. Their property is attacked and burned; their synagogues and cemeteries are desecrated.

56. Immigration is becoming more and more strictly regulated. Fear of being "invaded" by foreigners, a refusal to share the pie with newcomers and problems in bringing about national social and economic integration pose a challenge to the world's greatest Power. In recognition of that challenge, the United States authorities have made laudable efforts, which will be discussed in the mission report.

57. In Europe, an unwholesome climate may be observed 20/ in which xenophobia and racism are flourishing. The principal victims of this situation are immigrants and refugees from developing countries (Africans, Asians, Arabs and Turks) and the countries of Eastern Europe, including Gypsies. Legislation enacted by a number of European countries and by the European Union increasingly discriminates against these groups. There is thus a growing perception that Europe should be a continent inhabited chiefly, if not exclusively, by Europeans: "Third country nationals have no rights under the Single European Act and the distinguishing criterion of race has been introduced with a system of pass laws." 21/

58. Some think that the legal restrictions imposed on immigration and the right of asylum in Europe encourage xenophobia. 22/ In this regard, the Iranian Government declared that "the issue of the implications of Europe's immigration policy for the practice of xenophobia needs to be considered by the Special Rapporteur, as well as the ways and means to overcome the adverse consequences of the restrictive measures of this policy". 23/ In France, for example, the Movement against Racism and for Friendship among Peoples believes that the laws promoting racism are accepted, indeed justified. Xenophobia is becoming widespread and public opinion would appear to endorse the anti-immigrant laws. 24/ The malevolent physical attacks on foreigners which have been increasing recently in European cities bear witness to the very real hostility that exists towards foreigners.

59. As the Danish Government reported, an inquiry initiated by the European Union showed that from 12 July 1992 to 1 August 1993 there have been 144 episodes, which have been subject to police investigation in connection with suspicion of a criminal act by which the motive of the act is assumed to be related to racism or xenophobia. The episodes are primarily of a less serious nature (dissemination of xenophobic texts and the like). However, a few serious episodes have occurred, notably arson and attempted bombing of asylum centres. It should be stressed that in no case has serious personal injury occurred. Furthermore, there have been incidents of discrimination in access to places open to the general public, notably discotheques. 25/

60. There have been notable incidents of a xenophobic or racist nature in Belgium, Denmark, France, Germany, Italy, Sweden, Switzerland and the United Kingdom. Numerous acts of violence of a xenophobic or racist nature are perpetrated by national police forces. According to Amnesty International, "the behaviour of law enforcement officers mirrors the rising tide of racism in Europe". 26/ This human rights organization has documented an increasing number of cases where race appears to be a factor among the many reports of torture and ill-treatment by police and other government agents ... in Western Europe. 27/

61. In 1992, the German Federal Office for the Protection of the Constitution recorded 2,584 acts of violence prompted by xenophobia, an increase of 74 per cent over the 1,486 acts of violence recorded in 1991. Seventeen people, of whom seven were foreigners, died in 1992 as a result of such acts. This is the highest figure recorded since the founding of the Federal Republic of Germany.

62. As in 1991, foreigners - in particular asylum-seekers - and their homes were the principal targets of those attacks: approximately 88 per cent of the acts of violence committed were directed against foreigners. In 63 cases (40 in 1991), the acts were anti-Semitic in nature. Acts directed against Jews have therefore increased to a lesser degree than those directed against foreigners in general.

63. The wave of violence perpetrated by right-wing extremists reached its highest point in September 1992, when 536 acts of violence were recorded. The end of that summer saw an escalation in violence, launched by several days of riots directed against foreigners at Rostock-Lichtenhagen (from 22 to 28 August); this far exceeded the events of 1991

64. In 1993, 783 acts of violence in which xenophobia was the confirmed or probable motive were recorded. Despite the considerable drop in the number of offences after September 1992, there was an increase of nearly 200 acts of violence over the same period for the previous year. 28/

65. On 9 October 1994, in the city of Magdeburg, five skinheads attacked four African asylum-seekers. During the assault one African sustained knife wounds after being attacked with a broken beer bottle. The attackers got away. In Berlin, extreme-right youngsters beat up a passenger and then tried to push him out of the subway. The injured victim was taken to the hospital. That same day, skinheads attacked another three persons. 29/

66. The Special Rapporteur would like to cite the Committee on the Elimination of Racial Discrimination, reporting on the situation in Germany at its forty-third session: .

> "The Committee expressed serious concern at the manifestations of xenophobia, anti-Semitism, racial discrimination and racial violence that had recently occurred in Germany. In spite of the Government's efforts to counteract and to prevent them, it appeared that those manifestations were increasing and that the German police system had in many instances failed to provide effective protection to victims and potential victims of xenophobia and racial discrimination, as required by the Convention. The Committee particularly held that all those who carried out functions in public and political life should in no way encourage sentiments of racism and xenophobia." 30/

67. With regard to the behaviour of police towards foreigners, on 13 September 1994 in Hamburg, 27 police officers were suspended from duty as a result of complaints that they had maltreated foreigners. Some of those officers were even under the suspicion of having close links with extreme right organizations. The Interior Minister of Hamburg, W. Hackmann, resigned, claiming that it was in protest against the behaviour of some police officers towards foreigners. The whole scandal followed an article which had been published in the local newspapers, according to which, on 15 January 1994, a 44-year-old Senegalese had been beaten up by two police officers for wearing a cap with an anti-Nazi slogan. The two police officers were never put on trial, and they were merely ordered by the public prosecutor to pay a fine of 5,400 deutsche mark (DM). The Minister of Justice of Hamburg has initiated an inquiry to examine 120 declarations of police misconduct.

68. That event in Hamburg was not isolated. In Berlin the public prosecutor sentenced three police officers to pay fines from DM 10,000 up to DM 14,000. They had dragged an Iranian from a bus on Christmas Eve in 1992 and maltreated him. And in Bernau, a small city near Berlin, a chief of police is under the suspicion of having systematically maltreated Vietnamese. According to Amnesty International, there is a huge increase in the number of cases of maltreatment of foreigners by the German police. 31/

69. In Belgium, on 15 October 1994, a report by the Committee for the Prevention of Torture and Inhuman Treatment of the Council of Europe asserts that the Belgian police are guilty of violent action against detainees and

against foreigners in particular, especially the deportation of clandestine immigrants, which is considered too harsh. 32/

70. In France, according to a study done by the Commission nationale consultative des droits de l'homme, racism can be seen in many serious acts. 33/ Racism has grown in France since 1982 and remained at a relatively high level until 1991, when it dropped noticeably. Acts motivated by racism are often of an extremely serious nature. A significant number of physical attacks have resulted in casualties: since 1980, 25 persons have been killed, while 289 were wounded through December 1992 inclusive.

71. Amnesty International has denounced the involvement of the French police in acts of racist violence against foreigners. Victims of the French police actions were mostly young non-Europeans. Amnesty describes in its report cases in which people were killed by policemen who recklessly and without respect for the law resort to violence. In April 1983, for instance, a policeman put his gun during the interrogation to the head of a 17-year-old Zairian suspected of stealing cigarettes and shot him dead. The police officer stated that he felt threatened and that he had only wanted to scare the boy. 34/

72. In Sweden, racist activities and attacks include street confrontations and attacks on refugee hostels. 35/

73. In Switzerland, according to the Government, the only notable current manifestation of racial discrimination is the increase during 1991 and 1992 of acts of violence directed against asylum-seekers' hostels. Such acts have sharply decreased since 1993, however.

74. Today foreigners make up approximately 18 per cent of Switzerland's resident population. Since 1989, there has been an exceptional increase in the number of acts of violence or rejection directed at persons of foreign origin, including attacks against asylum-seekers' hostels. It would appear that such behaviour, characterized by latent xenophobia, which is fairly widespread among the population, and by certain acts of violence committed by a small minority of individuals, is based upon hatred for and distrust of foreigners of a different culture, race or colour, especially asylum-seekers, who are not well received in the society.

75. This situation has elicited a reaction from the Federal Council, which has condemned such acts. The preventative measures taken seem to be bearing fruit, since, according to statistics from the Office of the Public Prosecutor of the Confederation, the number of attacks against asylum-seekers' hostels has followed this pattern: 77 in 1991; 42 in 1992; 9 in 1993; and 2 in January-May 1994. There are no reliable statistics for other possible manifestations of racial discrimination; however, according to the Federal Council report of 16 March 1992 on extremism in Switzerland, in addition to acts directed against centres for asylum-seekers, 14 xenophobic or extreme-right acts were committed in 1990 and 19 in 1991.

76. Gypsies, also called Tziganes, Rom or Romanies, are a group which is particularly targeted by rising racism and xenophobia in Europe.

77. In this regard, the Irish Government has disclosed that this community constitutes the major cultural minority against which discrimination exists in Ireland. The travelling community is characterized by a long history in Ireland, shared cultural traditions, distinctive patterns of economic activity and a distinctive travellers' language.

78. There were 3,671 traveller families officially recorded in 1991, amounting to perhaps 25,000 persons. Of those, 1,473 families were accommodated in local authority standard housing, 233 families in local authority group housing, 36 families in local authority chalet sites, and 797 families in local authority services halting sites, making a total of 2,539 families in public accommodation. Thus, 1,132 families were living on the roadside, often in appalling conditions, despite statutory provisions for the assessment of their accommodation needs by housing authorities contained in the Housing Act, 1988 (sect. 9).

79. Travellers have also expressed the view that, where accommodation and services are provided, these do not always adequately reflect their needs. They also have objected to a number of legal and administrative requirements, such as electoral registration, which are predicated on the concept of a permanent address.

80. Travellers have experienced widespread discrimination in Ireland. This discrimination manifests itself in terms of denial of access to premises, goods, facilities and services in many instances, such as refusal of entry to particular restaurants or public houses, and difficulties in having children enrolled in schools, as well as in discriminatory attitudes towards travellers. Occasionally incidents of physical violence against travellers are reported.

81. The Government's response to the needs of, and discrimination against, the travelling community has evolved following the reports of the Commission on Itineracy in 1963 and the Review Body on Travelling People in 1983. In 1993, the Minister for Equality and Law Reform established the Task Force on the Travelling Community. 36/

82. The Czech Government, for its part, believes that racial discrimination could be considered in relation to the Romany population; there have been certain manifestations of the tendency to discriminate against the Romanies, for example, in the labour market. It must be pointed out, however, that in individual cases it is very difficult to distinguish between discrimination against the Romanies and justified reservations concerning their willingness to acquire and keep jobs, their discipline at work and qualifications.

83. In 1993 and 1994, the Council for Nationalities of the Government of the Czech Republic did not consider any concrete cases of discrimination against members of national minorities. However, manifestations of interethnic conflicts and racial aggression advocated by extremist groups of young people and targeted, especially against the Romanies, represent a more serious problem.

84. Moreover, the immigration and naturalization legislation adopted by the Czech Republic after Czechoslovakia was divided contains some provisions which discriminate against the Roma. After the separation of Czechoslovakia, all

citizens of the two new republics had to apply again for new citizenship. In Slovakia there was no problem, since all the applications for Slovak citizenship were accepted. The Immigration Act of the Czech Republic, on the contrary, makes it very difficult for certain groups, and especially for the many Sinti and Roma of Slovak origin, to get Czech citizenship. Under the Czech Immigration Act, foreigners can only obtain Czech citizenship if they have resided five years in the country prior to their application and have no criminal record. Many Sinti and Roma living in the Czech Republic do not fulfil these requirements and are thus stateless. Human rights organizations consider this law highly discriminatory and foresee that more than 100,000 Sinti and Roma will become stateless. The deadline for the application for Czech citizenship was 1 July 1994. By then, only 30 per cent of all Gypsies living in the Czech Republic had received Czech citizenship.

85. The Special Rapporteur has learned from other sources of acts of violence perpetrated against the Roma in Romania (lynching of Roma on 21 September 1993 in the town of Hadareni), Bulgaria (cases of torture, maltreatment and aggression in the towns of Dubovo, Stara Zagora, Olushnik and Pazardjik), and Germany (two refugees of Roma origin died on 28 September 1994 after an incident of arson in the town of Herford). 37/

B. Racism and racial discrimination against Blacks, negrophobia

86. This aspect of the question will be taken up in the report of the Special Rapporteur's mission to the United States of America. In the present report, therefore, he would like to report incidents that have occurred in other regions of the world.

87. In Germany, the racist propaganda of the extreme right is particularly negrophobic. 38/

88. Attempts on the lives of Blacks and violence against them are more significant. For example, the Embassy of Nigeria at Bonn had to protest to the German authorities against the maltreatment of Nigerian asylum-seekers by the German authorities. Most Nigerian asylum-seekers are turned down, since they are not able to prove that they are politically persecuted in their country of origin. According to the German Ministry of Foreign Affairs, Nigeria does not cooperate and refuses to take rejected Nigerian asylum-seekers back. It seems that, within a period of three years, 24 Nigerian asylum-seekers in Germany have died as a result of maltreatment by the German authorities. In August 1994, a rejected Nigerian asylum-seeker who was sent back to Nigeria by plane, died as a result of a sedative injection. According to the letter from the Embassy, some of the Nigerian victims died during their stay in a police cell.

89. The German Ministry of Home Affairs has sent the letter written by the Nigerian Embassy to the seven Federal states where the Nigerian asylum-seekers died. The governments of those states are requested to open an inquiry as soon as possible into the real causes of the deaths of the 24 Nigerian asylum-seekers and into the case of Amadeu Antonio Kirova, who was kicked to death while three policemen allegedly failed to come to his rescue.

90. In the United Kingdom, cases of violence against Blacks have been reported, including a case of a young victim of arson in London just because he was dating a white girl. A tenth of his body was burnt.

91. In France, as indicated above, there have also been reports of assaults against young Blacks by the police who, under the French immigration law of December 1993, are authorized to carry out identity checks. The case of a young Angolan, 23 years of age, who, after being interrogated by the police, jumped into the Seine, is well known.

C. Racism and racial discrimination against Arabs

92. Persons of Arab origin, often assumed to be terrorists or Muslim fundamentalists, experience discrimination in Europe, particularly in respect of the issue of visas and residence permits. They are also victims of acts of violence on the part of individuals or the police.

93. In France, the Commission nationale consultative des droits de l'homme notes that North Africans are always a preferred target: in France, it observes in its annual report for 1992, "anti-Arab racism greatly exceeds all other forms of discrimination". Since 1980, acts targeting this community have consisted of: acts of violence - 505; killed - 23; and wounded - 232. 39/

94. The racist threat which tends to target North Africans in particular often takes the form of tracts, mostly of an inflammatory nature. The first example of this type, known as the "false tract of the Amicale des Algériens en Europe" dates from 1966. It periodically resurfaces in France. Once produced, these tracts, which often have a concluding note that states "to be widely reproduced and circulated", are photocopied and redistributed on the "chain" principle. This process makes it particularly difficult to identify either the originators or the successive distributors.

95. Police brutality is also directed at persons of Arab origin. The three cases which follow have been reported by Amnesty International.

96. Jacques Cherigui, of French and Algerian parents, was arrested in his home in Argenteuil without a warrant and for no apparent reason. He emerged from custody 19 hours after his arrest, covered with cuts and bruises and with his right hand permanently damaged. He made two formal complaints about his treatment, backed by medical reports, but they were not investigated by the court. According to Jacques Cherigui, the police demanded entry to his flat without explaining what they wanted, seized and handcuffed him and threw him down four flights of stairs. In the police van, a police officer sat on his neck, forcing him to bend over double and making it nearly impossible for him to breathe. The officer allegedly told his colleagues: "This trick calms them down very quickly, these wogs." Jacques Cherigui was punched in the stomach and repeatedly insulted. In the police station, he said, he was called a "filthy wog", and told: "You ought to go back to your own country." He was released after being charged with resisting arrest and insulting the police. He sought medical treatment for injuries which included cuts and bruises to his arms,

legs, trunk and neck. Doctors also recorded permanent nerve damage to his right hand, apparently caused by tight handcuffs. 40/

97. Aïssa Ihich, an 18-year-old French citizen of Moroccan immigrant parentage, died of an asthma attack in a suburban police station near Paris in May 1991. The police had refused to allow him the medication he needed to relieve his asthma. When he collapsed with the fatal asthma attack after 36 hours in custody, the ventilator he carried at all times was empty. Aïssa Ihich had been arrested and reportedly beaten with truncheons during disturbances at Mantes-la-Jolle, a suburb west of Paris. After his death, an autopsy recorded "minor injuries", caused by blows to the head and pelvis. In February 1992 the police doctor who had examined him and certified that he was medically fit to remain in detention was charged with involuntary homicide. No action has been taken against the police officers who reportedly assaulted Aïssa Ihich. They have yet to be identified. The judicial inquiry into the case has said it cannot establish which police unit arrested the youth. 41/

98. In Italy, prisoners of Arab origin are subjected to discriminatory treatment. In May 1991, the director of an Italian prison replied to press queries about reports that prisoners were systematically ill-treated by saying that "40 per cent of the prisoners are Moroccan, Algerian and Tunisian, people with different cultural habits, often rebellious and violent". The press had been alerted to the situation at Sollicciano prison, near Florence, after inmates wrote to local and national newspapers alleging they were regularly threatened, beaten and injured by prison guards. About half of the 600 prisoners are immigrants from countries outside the European Community. On 18 December 1991, following an internal inquiry, the Prosecutor General declared there was no evidence of criminal responsibility and formally closed the case. Three days later, the national daily La Repubblica published a letter from women prisoners in Sollicciano, claiming that both they and male inmates were regularly beaten for no reason by prison guards. 42/

D. Anti-Semitism

99. The communication from the International Council of Jewish Women and the studies done by both the coordinating committee for Jewish organizations of the World Jewish Congress and its Institute of Jewish Affairs, 43/ and by Israeli university research centres, 44/ indicate that there has been a resurgence of anti-Semitism in the past few years, particularly in North Africa, Eastern Europe, the former Soviet Union, Western Europe, the United States of America, Canada, Japan, Australia, Latin America, the Middle East and Turkey. The International Council of Jewish Women states that:

> "Manifestations of modern-day anti-Semitism vary greatly from one region to another. The same is true for their degree of violence. Different types of anti-Semitic incidents are reported in many countries: anonymous telephone calls, radio and television programmes, anonymous letters, tracts, graffiti, newspaper articles, magazines, speeches, books, desecrations of cemeteries and synagogues, writing on the walls of Jewish schools, attacks against the property of Jews, criminal attacks against Jewish organizations (Buenos Aires, 18 July 1994; London, 26-27 July 1994).

Recently, attacks have been perpetrated against individual Jews. New methods are also being used to disseminate anti-Semitic propaganda: video games, computer programmes. In France, Minitel has lately been used to disseminate anti-Jewish messages. For some time now in Western Europe, anti-Semitism, like racism, has occasionally been part of the electoral platform of certain political parties of the right and extreme right and acts as a rallying cry among people who recognize each other. In this case, the language used is coded in order to bypass the anti-racist legislation adopted by many countries. This anti-racist legislation of European countries, although not very effective, does at least exist. Nevertheless, the most radical anti-Semites find ways of bypassing it. 45/ The post-communist societies of Eastern Europe are also experiencing a resurgence of anti-Semitism. In Russia, glasnost had already allowed the free expression of hatred against the Jews. The anti-Semitic movement Pamyat (Memory), the best known, is only one anti-Semitic organization among others. The anti-Semitism which is prevalent today is a popular anti-Semitism encouraged by the fundamentalism of the Orthodox Church. A more elitist anti-Semitism, found in literature, parallels the "street anti-Semitism". It is with anxiety, if not terror, that one listens to and reads what is said and written by the politician Zhirinovsky, who owes his popularity largely to his anti-Semitic utterances to which the international media accord enormous attention."

100. The Special Rapporteur's attention has also been drawn by the International Council of Jewish Women to the growth of anti-Semitism in the Arab and Muslim countries, where the notorious sham entitled the "Protocols of the Elders of Zion" is being spread by Islamic fundamentalist circles to a broad audience.

"The 'Protocols of the Elders of Zion' are a great success, both in Eastern Europe and in Russia, where this travesty originated, and in South America, Japan and even Australia, where the work has recently been reissued.

"Another form of anti-Semitism is not aimed at the 'public at large' but at intellectuals: denial. Those who engage in denial describe themselves as 'revisionists', but in reality they are falsifying the history of the Nazi period. They attack Jewish history and memory, most often with impunity, and deny the historic facts of the extermination of 6 million Jews during the Second World War. Some countries, particularly in Europe (France, Germany and Belgium, for example), have devised very specific legislation to curb this phenomenon. Others rely on anti-racist laws (against incitement to ethnic and religious hatred, etc.) which are in fact inadequate to contain it.

"In the United States of America, the interpretation of the First Amendment to the Constitution allows the dissemination of all types of ideas, even those which are anti-democratic. In view of this, some thought should be given to the acceptable limits of freedom of expression in the light of the concept set forth in article 20 of the International Covenant on Civil and Political Rights, which prohibits advocacy of racial hatred. 46/ In this country, anti-Semitism is overtaking even university campuses. Recently, speakers from the 'Nation of Islam', university

professors at times and even African-American political leaders give anti-Semitic speeches with alarming success. (See the incidents at Howard University and Kean College.)"

101. The information received from the Israeli Government confirms the facts brought to the Special Rapporteur's attention by the International Council of Jewish Women and other sources.

E. Xenophobia and discrimination against migrant workers and immigrants

102. In general, the current wave of xenophobia and racism in Europe is hardest on migrant workers and immigrants, who experience racial discrimination particularly in the area of employment.

103. Empirical studies carried out by the International Labour Office demonstrate the prevalence of racial discrimination against immigrants with respect to employment and training opportunities, as well as of mobility and promotion which they encounter in several European countries, including France, Germany, the Netherlands, Switzerland and the United Kingdom. 47/

104. Although prohibited by national laws, direct and indirect discrimination against migrant workers prevents equal access to employment vis-à-vis nationals.

"Migrant workers are concentrated at the lowest end of the labour market. They have limited access to on-the-job training, and they are unlikely to be promoted to positions of responsibility. The unemployment rate among migrant workers is also higher: twice that of nationals, and even greater for young people and for women. Other people's prejudices or the company's economic interests are readily cited as pretexts for the discriminatory exclusion of migrant workers. The fact that everybody blames everybody else makes discrimination not only omnipresent but also extremely hard to combat. Second-generation migrant workers are said to have a low level of educational achievement. These workers have a high scholastic drop-out rate and are unlikely to gain admittance to apprenticeship programmes. In the business world, they work in a hostile environment in which they are considered inferior and are made to do thankless jobs. With economic recession, discrimination against these workers has worsened. They run a higher-than-average risk of losing their jobs, and once they do, their chances of finding new ones are slim."

105. Mexico is very concerned about the brutal treatment given by border police to Mexican nationals entering the United States of America, particularly along its southern borders, and about the tremendous difficulties which they encounter in the area of employment.

F. Racial discrimination against women

106. The Special Rapporteur received the following information regarding the harassment of Korean girls in Japan

107. For Korean schoolgirls studying in Japan, the chima chogori - the traditional Korean skirt and blouse - has become something of a curse. For the last three months, girls dressed in chima chogori have been subjected to harassment and assault. Their dresses have been slashed off, and they have been verbally and physically abused on trains and in the streets. The assailants are Japanese men. At the Tokyo Korean Junior and Senior High School, 29 girls have become victims of this kind of violence over the last three months. A school spokesperson said that 11 girls had had their uniforms ripped off, and that 8 others had been kicked and beaten. More recently, a 17-year-old student's beautiful, long hair was cut off on an escalator at Tatsumi station. She froze in fear when the incident occurred. Just a week after this incident, the same girl was knocked over by a young Japanese man who then cut up her skirt and ran away. This is not the first time that such "Korean bashing" has become rampant in Japan. 48/

108. In Kuwait, housekeepers of Indian, Sri Lankan, Bengali and Philippine origin are now targets of rape, physical assault, non-payment of salaries, debt bondage and abusive work conditions because of their nationality. Although these abuses are illegal under Kuwaiti law, very few cases are prosecuted. The Government of Kuwait has all but ignored the plight of these women. 49/

109. In interviews with witnesses in the course of his mission, the Special Rapporteur was told of the double discrimination that affects women who belong to ethnic minorities, especially with respect to employment, health care and social aid.

110. In Mexico, the number of incidents of rape of indigenous women is increasing in the insurrection zone of Chiapas. On 4 June, a group of approximately 30 soldiers of the Mexican Federal Army raped three young women of the Tseltal indigenous group who were from the community of Santa Rosita Sibaquil, Municipality of Altamirano. The rape took place at a military roadblock outside Altamirano, where the soldiers were on duty. After being accused of being Zapatistas and threatened with death, they were violently forced to have sexual relations with all of the soldiers at the roadblock.

IV. CAUSES AND VECTORS OF RACISM, RACIAL DISCRIMINATION AND XENOPHOBIA

111. As emphasized in the first part of this report, racism is a phenomenon of civilization that goes back to the dawn of time. It is a persistent sentiment that finds periodic expression.

112. Today, despite two decades of sustained combat against racial discrimination by the United Nations, racism is re-emerging from the fertile ground of race, a notion scientifically proved to be meaningless, in the forms described above.

113. Today, the causes of racism and racial discrimination are the world economic crisis and competition for economic resources, which is fed by underdevelopment in some cases and poverty or extreme poverty in others. Development has become the watchword, and States feel compelled to proceed with

regional or continental integration in order to promote it. Because the market is narrowing, unemployment is troubling the North and the South to varying degrees. From the brain drain the world has moved rapidly to labour flight; the South is offering up its workers. With the onset of recession, the increasingly impoverished South has found no solution other than emigration, and racism and discrimination have once again broken out.

114. Economic difficulties have reawakened and exacerbated nationalism at the national and regional levels. A scapegoat syndrome has developed; foreigners are being blamed for unemployment because they are seen as a burden on the national economy. Extreme right-wing nationalist and neo-Nazi movements are re-emerging, preaching ethnic purity or national identity and preference for nationals in the face of the "barbarian" invaders. Intolerance and xenophobia have become systematic and are reflected in violence.

115. The trend is one of a turning inward and a refusal to share. Within nations, wealthy communities and social strata mean to preserve their comfort. Among nations, a form of economic isolationism is reappearing; some argue that aid to the countries of the South should be limited, if not eliminated outright.

116. In imparting culture and forming minds, educational systems also transmit racist, xenophobic and anti-Semitic ideologies. These ideologies provide the basis and structure of extreme right-wing and neo-Nazi movements and political parties.

117. In the name of freedom of the press and expression, the major communications media - radio, television, the press and various publications - also serve as vectors of racism, racial discrimination, xenophobia and anti-Semitism. Images have such great impact that scenes of violence, even if accompanied by critical commentary, can incite imitation in segments of the population that are idle, unemployed and see little hope for the future.

V. MEASURES TAKEN BY GOVERNMENTS AND ACTION UNDERTAKEN BY CIVIL SOCIETY

118. In analysing the various manifestations of racism, racial discrimination and xenophobia, one must look at the reactions of the people in the countries concerned and the reactions and actions of their Governments.

119. Although some countries claim not to experience racism, others, such as Germany, France, the United States of America and Norway, have the courage to acknowledge racism and its contemporary expressions as a real problem. According to the French Commission nationale consultative des droits de l'homme, 9 out of 10 French people consistently agree that racism is widespread in France. Yet, of the threats facing today's world, racism is ranked only fifth by the French, after world hunger, AIDS, pollution and human rights abuses. However, it is noteworthy that in France, as in Germany, broad segments of the population have mobilized to combat racism through such means as marches, public demonstrations and candlelight vigils. Non-governmental organizations are also active: in France, the Movement against Racism and for Friendship among Peoples and SOS-Racisme; internationally, the World Council of Churches. And the

electoral defeats inflicted on extreme right-wing parties, as in the case of the latest German elections, are a response to racial discrimination.

120. Furthermore, many non-governmental organizations and university institutions are preparing to study the situation of foreigners in general and of immigrant workers in particular and the manifestations of xenophobia in Europe to ensure that concerted measures are taken to combat racism and racial discrimination by promoting tolerance and understanding among the different communities in Europe. One example is the European Capitals Universities Network, which has formed a working group at the University of Stockholm to consider "Universities against racism and xenophobia".

121. Most Governments have taken steps to prevent and combat the phenomena analysed in this report. There are constitutional provisions, laws and regulations in this area.

122. On 25 September 1994, Switzerland adopted by referendum an anti-racist law prohibiting all manifestations of racism, all revisionism and denial of the Holocaust, and all crimes against humanity. In December 1992, Germany outlawed several "neo-Nazi rock" songs and groups encouraging racism, genocide and violence against foreigners. It also prohibited political movements and parties with racist ideologies that preach xenophobia and engage in violence (for example, violent attacks on foreigners or the use of incendiary bombs). Educational programmes that teach tolerance and fight racism and racial discrimination in the schools and among the general population are being instituted. Norway offers an outstanding example of this.

123. At the regional level, in October 1993 in Vienna, the Heads of State and Government of the States members of the Council of Europe adopted a plan of action to combat racism, xenophobia, anti-Semitism and intolerance.

VI. CONCLUSIONS AND RECOMMENDATIONS

A. Conclusions

124. The Special Rapporteur wishes to thank the Governments and non-governmental organizations mentioned above, as well as the International Labour Organization, also mentioned, for their active cooperation and the wealth of excellent information supplied to him, which has been confirmed by material collected from the press and specialized periodicals.

125. These different sources show racism and racial discrimination to be persistent phenomena periodically manifested in the form of xenophobia, negrophobia, anti-Semitism and anti-Arab sentiment. The result of often latent racism, these manifestations are triggered and sustained by the rebirth or recrudescence of extreme right-wing nationalist, neo-fascist ideologies. They are caused by the economic crisis shaking the industrialized societies, which are stricken by recession and unemployment, and by the crisis in European cultural values, a model of civilization that sought to impose itself on the contemporary world. The result is fear and distrust of the outsider - the Other - who often comes from the South and is an easy scapegoat because he wants

to share in the development or comfort enjoyed by others - the people of the North - whether within a single State or at the international level. These expressions of rejection or refusal of foreigners, or the Other, which take the form of intolerance or violence, are also found in the newly industrialized or in developing countries in Africa, Asia and Latin America.

126. Looking at the anti-immigration legislation systematically being adopted in several countries, one cannot help but wonder whether we are witnessing a covert institutionalization of xenophobia, which would be nothing less than a new form of institutionalized racial discrimination.

127. The Special Rapporteur is pleased and encouraged to note that countries experiencing racism, racial discrimination, including racial discrimination against migrant workers and against women, whether as women or as members of an ethnic minority, xenophobia, negrophobia, anti-Semitism, anti-Arab movements and actions are taking legislative and administrative steps to control, arrest and eliminate these manifestations and the incidents that accompany them.

128. The Special Rapporteur is concerned at the Draconian measures being systematically taken by certain Governments to limit immigration and the reunification of families, at the hunting down of "clandestine" or "illegal" immigrants and at the refoulement of migrants and asylum-seekers held in detention camps pending forced repatriation by chartered aircraft. He fears that the humanist and democratic ideals of the countries concerned, may, for reasons of comfort or survival, be completely trampled and that hatred, violence and barbarism, even in the name of the law and respect for State sovereignty, may sweep the world into a large-scale conflagration based on ethnic or racial identity.

129. The Special Rapporteur welcomes the reactions and the mobilization of civil society against the manifestations and incidents of racism, discrimination and xenophobia, and applauds the efforts of non-governmental organizations to promote human rights and understanding among individuals, communities and States.

B. Recommendations

1. Resources

130. In its resolution 1994/64, the Commission on Human Rights regretted that the Special Rapporteur had encountered difficulties in preparing his first report, owing to the lack of necessary resources, and requested the Secretary-General without further delay to provide the Special Rapporteur with all the necessary assistance in carrying out his mandate.

131. As he stated in his first report (E/CN.4/1994/66, para. 46), in order to carry his important and broad mandate through to a successful conclusion the Special Rapporteur needs assistance in the form of staff and resources, as stressed in the resolution. The Special Rapporteur considers that he would require the following resources at the United Nations Office at Geneva: a person at the Professional level who is a specialist or at least familiar with

and interested in human rights problems and having experience of them, also bilingual, with excellent French and good English; as well as a bilingual secretary. These requirements, and the resources needed to carry out his missions in the field, were very clearly indicated in the financial implications prepared for the programme budget when the Commission adopted the above-mentioned resolution and when it was subsequently approved by the Economic and Social Council.

132. The secretariat assisting the Special Rapporteur in implementing resolution 1993/20 will have to discharge the following duties: centralization of data and analysis thereof; study of communications; regular contacts with the permanent missions, the specialized agencies, non-governmental organizations, individuals and all other sources of information, and preparation of seminars and missions.

133. At the time of drafting this interim report, working conditions are clearly quite inadequate and highly precarious. No amount of good will on the part of the programme manager can offset the lack of human and financial resources; without at least a permanent secretary and some support staff, it is impossible to manage the general programme for the Decade and three thematic mandates. The Special Rapporteur has had to devote virtually all his time to his mandate, at the risk of neglecting his public and academic duties.

134. These matters, which in fact generally affect all special rapporteurs, were among those examined at the meeting of special rapporteurs, representatives, experts and chairpersons of working groups of the special procedures of the Commission on Human Rights and of the advisory services programme which was held at Geneva from 30 May to 1 June 1994:

> "... It was noted that the number of such procedures, which was 4 in 1980, 13 in 1990 and now stands at 26, has not been followed by a commensurate increase in human and other resources. Moreover, the workload within such mandates has also been growing rapidly ... Consequently, participants were unanimous in their view that the human and material resources available to them for the fulfilment of their mandates are wholly inadequate owing to the simple paucity of budgetary allocations to the Centre for Human Rights in general and in particular for their specific mandates. In the light of chronic under-funding, participants voiced their concern that the integrity of the procedures could be in jeopardy with negative consequences for the system as a whole and especially for individual victims." (E/CN.4/1995/5, para. 22)

135. There have been commitments to improving and strengthening all aspects of the rapporteurs' work, but these promises have so far failed to yield concrete results.

136. The Special Rapporteur would like to insist that substantial human and financial resources be made available for a mandate which has aroused much interest and high hopes, failing which the fulfilment of the mandate seems very much in jeopardy. He would therefore like to suggest that consideration be given to (a) a scheme of the associate expert type and (b) the establishment of a funds-in-trust arrangement as part of the Trust Fund for the Programme for the Decade, but with voluntary contributions earmarked specially for the mandate on

racism, racial discrimination, all forms of discrimination against Blacks, Arabs and Muslims, and all forms of xenophobia, negrophobia and anti-Semitism.

137. Aware as he is of the importance and the implications, indeed the challenge, of the new mandate entrusted to him, the Special Rapporteur hopes, for the success of his mission, to be able to count on active cooperation from the Centre for Human Rights and from Governments, specialized agencies, non-governmental organizations and regional intergovernmental organizations.

138. Given the persistent difficulties in obtaining staff assistance and the time constraints - the decision regarding the submission of the interim report to the General Assembly having been taken at the beginning of November - the Special Rapporteur has been unable to prepare the report of his mission to the United States of America, as he has to process a voluminous body of documentation containing a wealth of information, as well as notes from talks and meetings with the United States authorities and many non-governmental organizations which are displaying a marked interest in the new mandate.

2. General recommendations

139. The Special Rapporteur considers that the positive steps taken prove that there is no foregone conclusion when it comes to human rights issues, that there are grounds for hope, and that action must be taken while there is still time.

140. The Special Rapporteur again suggests that scientific research should be done on the nature and scope of the problems covered by his mandate, particularly through such projects as:

(a) The interdisciplinary seminar on the problems of the theoretical aspects and specific manifestations of contemporary forms of racial discrimination, together with a study of the measures already taken or to be taken;

(b) Workshops (one per continent) during the next two years of his mandate;

(c) A review conference before the expiration of his mandate.

These scientific encounters will be organized in close collaboration with the specialized agencies concerned with human rights, the non-governmental organizations and the universities or networks of universities and experts working in the field.

141. He hopes that appropriate funding can be effectively mobilized for the implementation of this programme. He invites States and non-governmental organizations that have not yet done so to reply to the questionnaire and provide him with all available information on contemporary forms of racism and racial discrimination and related incidents.

142. Convinced of the importance of education and its far-reaching consequences, the Special Rapporteur suggests that measures should be studied to prevent

actions and behaviour giving rise to discrimination - prevention being better than cure - and that a system of human rights teaching should be established in all States, in close cooperation with specialized agencies such as the United Nations Educational, Scientific and Cultural Organization (UNESCO), intergovernmental organizations such as the European Union, and Governments. Consideration will be given to how this system can be made compulsory and effective. In this way, cultural and social racism could be gradually checked through education.

143. A group of social scientists and especially experts in the field of education could be given the delicate but not impossible task of looking into ways of ridding school textbooks and history books of racial, ethnic or religious prejudice and stereotypes. Cultural events could also be held which would enable a country's different ethnic or cultural groups to become acquainted with each other and learn about, understand and appreciate each other's cultures. This would foster cultural intermingling and genuine cultural pluralism on the basis of personal experience. Today, in this "small world" or "global village" of ours, the powerful impact of the media would lead ethnic, religious and cultural communities to understand each other's cultures better and accept each other to a greater extent. In this way, greater tolerance will gradually develop between ethnic groups, migrants, immigrant workers and their families and autochthonous or indigenous peoples. In short, the Special Rapporteur attaches great importance to the prevention of manifestations of racism in any form whatsoever, through governmental, legislative, administrative, economic and social and, above all, educational measures.

144. With regard to anti-Semitic propaganda, given the wide circulation of anti-Semitic publications and the danger they represent, the Special Rapporteur recommends that appropriate legislative and administrative measures should be taken by the States concerned and, where appropriate, at the international level to halt the dissemination of such publications, in particular the "Protocols of the Elders of Zion".

145. In view of the number of existing special procedures, such as those concerning forced or involuntary disappearances, torture, religious intolerance, etc., the Special Rapporteur, speaking from experience, is convinced of the need to introduce a mechanism for periodic consultation and coordination between special rapporteurs dealing with subjects of a similar nature. Special consideration should also be given to a mechanism conducive to active, efficient intersectoral cooperation between the various branches and sectors of the Centre for Human Rights.

146. Systematic cooperation, in the form of periodic consultations and joint activities, should likewise be established with the specialized agencies such as the United Nations Children's Fund (UNICEF) (see the Convention on the Rights of the Child), the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Labour Office, UNESCO and the Commission on Human Rights.

147. The Special Rapporteur would suggest again that some thought might be given, at the conclusion of the Third Decade to Combat Racism and Racial Discrimination, to erecting a memorial in honour of the victims of racism and

racial discrimination in order to promote an awareness of the evils of racial discrimination and to draw attention to the continuing and sustained action of the United Nations to combat all forms of racism and to promote human rights. Such a memorial might be set up on the Place des Nations. If this idea were to find favour, the monument would be financed by voluntary contributions. There is no lack of people of good will, humanists or benefactors in the world who might take an interest in this project.

148. Lastly, the Special Rapporteur welcomes the ratification by the United States of America of the International Covenant on Civil and Political Rights and hopes that it will also ratify the other conventions currently being considered by its competent authorities, particularly the International Covenant on Economic, Social and Cultural Rights. He urges States that have not yet done so to ratify all international human rights instruments. He requests States that are already parties to these instruments to take the necessary legislative and administrative measures to ensure that they are effectively implemented and applied in everyday life.

Notes

1/ Le racisme devant la science, Paris, UNESCO, 1973.

2/ Racial Discrimination, study by Hernán Santa Cruz, revised and updated version, 1976 (United Nations publication, Sales No. E.76.XIV.2).

3/ Pierre-André Taguieff, "L'évolution contemporaine de l'idéologie raciste: de l'inégalité biologique à l'absolutisation de la différence culturelle" in Rapport de la Commission nationale consultative des droits de l'homme, Paris, 1989, p. 357.

4/ Who in his "Essai sur l'inégalité des races humaines" sought to affirm the superiority of the "white race" over other races and the superiority of Aryans over all other Whites.

5/ As noted by I. Hrbeck, a Czech professor and assistant editor of volume 3 of the General History of Africa (UNESCO)/Jeune Afrique, Paris, 1985), "it is significant that in all the Western European languages the word for 'slave' (Sklave, esclave, esclavo, escravo, etc.) is derived from the ethnonym 'Slav', the name which the various Slavonic peoples used for themselves. This points to the fact that, during the formative period of the European national languages, which coincides precisely with the period under discussion, Slav prisoners of war must have formed the bulk of the slave population in Western Europe."

6/ "Study on the achievements made and obstacles encountered during the Decades to Combat Racism and Racial Discrimination", report prepared by Asbjørn Eide, Special Rapporteur (A/45/525).

7/ Hernán Santa Cruz, op. cit., para. 2.

8/ Arnold M. Rose, The Roots of Prejudice, UNESCO, Paris, 1951; UNESCO, "Statement on Race and Racial Prejudice", Paris, 1967 and 1978).

9/ See Pierre-André Taguieff, op. cit., p. 362. According to the author, neo-racism no longer presupposes dogmatism and plain inequality in the relations between the races but corresponds to "racist theorizing based on the postulate of the irreducibility, incompatibility or incommunicability or total separation of cultures, mental structures, morals or community traditions". See also the report of the Secretary-General on measures to combat racism and racial discrimination and the role of the Subcommission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1992/11).

10/ See Human Rights: A Compilation of International Instruments (United Nations publication, Sales No. E.94.XIV.1 (Vol. I, Part 2)).

11/ See Charles Murray and Richard J. Herrnstein, The Bell Curve, New York, Free Press, 1994.

12/ Blacks rightly question why Western culture describes everything that is negative as "black": "black humour", "black economy", "black market", "to be in a black mood", the French expression "être le nègre de quelqu'un" [to describe the act of ghost-writing]; they jokingly say that they "work like a nigger", unconsciously, perhaps, evoking the inhuman working conditions of black slaves.

13/ Amadou Mhatar M'Bow, in the preface to Histoire générale de l'Afrique, vol. I, Méthodologie et préhistoire africaine, Paris, UNESCO/Jeune Afrique, 1980.

14/ See the scientific work done by UNESCO and the scholarly publications of that organization; such as the General History of Africa in eight volumes and works in progress on Islamic culture, the history of Asian, Latin American and Caribbean civilizations, and Slavic cultures.

15/ In its issue of Tuesday, 9 November 1994, the daily newspaper Le Monde printed the front-page headline "La malédiction du continent noir" ["Curse of the Dark Continent"] to emphasize the Africans' inability to progress.

16/ Nathan Ackerman and Marie Jahoda, Anti-Semitism and Emotional Disorder, New York, Harper, 1950.

17/ Communication dated 12 October 1992 from the International Council of Jewish Women.

18/ This was done by Benin, Bolivia, China, Iraq, Jordan, Kuwait, Mexico, Myanmar, Pakistan, Panama, Qatar, Saudi Arabia, Tunisia, Ukraine, Yemen and Zambia.

19/ See Commission on Human Rights resolutions 1993/20 and 1994/64 and Economic and Social Council decision 1993/258.

20/ European Capitals Universities Network, "Universities against racism and xenophobia": Report on a Workshop on Racism and Xenophobia in Europe, University of Stockholm, 18-19 April 1994.

21/ Dialogue, August 1994.

22/ On 22 March 1994, Mr. Paul Bouchet, President of the Commission nationale consultative des droits de l'homme condemned the polarization of French immigration policy, claiming that the legislation advocated by the Government accentuated "institutionalized xenophobia". See Europees Steunpunt Migranten en Vluchtelingen, List of Events, Utrecht, March 1994.

23/ Communication dated 30 August 1994 from the Iranian Government.

24/ Movement against Racism and for Friendship among Peoples, Différences, No. 154, July 1994.

25/ Communication dated 9 September 1994 from the Kingdom of Denmark.

26/ Amnesty International Newsletter, vol. XXIII, No. 2, (February 1993).

27/ Ibid.

28/ Communication dated 4 June 1994 from the German Government.

29/ Europees Steunpunt Migranten en Vluchtelingen, List of Events, October 1994.

30/ Official Records of the General Assembly, Forty-eighth Session, Supplement No. 18 (A/48/18).

31/ Europees Steunpunt Migranten en Vluchtelingen, List of Events, September 1994.

32/ Europees Steunpunt Migranten en Vluchtelingen, op. cit., October 1994, p. 6.

33/ See Commission nationale consultative des droits de l'homme, La lutte contre le racisme et la xénophobie, 1992 annual report.

34/ Amnesty International Newsletter, vol. XXIII, No. 2 (February 1993).

35/ European Capitals Universities Network Report on a Workshop on Racism and Xenophobia in Europe, University of Stockholm, 18-19 April 1984.

36/ Communication dated 25 July 1994 from the Irish Government.

37/ Romnews, No. 18, 5 October 1994.

38/ On 3 October 1994 Günter Deckert, leader of the extreme right-wing National Democratic Party (NDP) said that "The Blacks are welcome in Africa, the Turks in Turkey and the Jews in Israel." Quoted in Europees Steunpunt Migranten en Vluchtelingen, List of Events, October 1994.

39/ Commission nationale consultative des droits de l'homme, 1992 annual report.

40/ Amnesty International Newsletter, vol. XXIII, No. 2 (February 1993).

41/ Ibid.

42/ Ibid.

43/ Communication dated 12 October 1994 from the International Council of Jewish Women; Institute of Jewish Affairs, Anti-Semitism: World Report 1993 (London).

44/ Communication dated 6 October 1994 from the Israeli Government.

45/ For example in Spain, where the publishing houses of an extreme right-wing party export anti-Semitic literature to Latin America and elsewhere.

46/ See on this subject the study by L. Joinet and D. Türk on the right to freedom of opinion and expression (E/CN.4/Sub.2/1990/11).

47/ See Royer Zegers de Beijl, Discrimination à l'égard des travailleurs migrants, Geneva, 1991.

48/ Communication dated 3 November 1994 from the International Women's Rights Action Watch.

49/ Middle East Watch Women's Rights Project, Punishing the Victim: Rape and Mistreatment of Asian Maids in Kuwait.

Appendix

QUESTIONNAIRE RELATING TO THE MANDATE, ADDRESSED TO STATES, INTERGOVERNMENTAL ORGANIZATIONS, SPECIALIZED AGENCIES AND NON-GOVERNMENTAL ORGANIZATIONS

1. Is your country experiencing or has it experienced a syndrome of contemporary forms of racial discrimination or of discrimination against ethnic, religious or cultural minorities?

2. Is your country experiencing or has it experienced serious incidents involving manifestations of racial discrimination? In what form(s)?

3. What provisions concerning human rights and means of protecting them does your country's Constitution or Fundamental Law embody?

4. Do you have problems relating to:

- ethnic minorities
- religious minorities
- cultural minorities

and/or indigenous populations or populations of mixed descent?

5. What measures have been taken at the socio-economic and political level to assure access to education, employment and the civil service structure to communities of different geographical and cultural origins?

6. What is the situation of migrants and immigrant workers and their families, particularly from the legislative and administrative viewpoint?

(a) How many immigrant workers are there in your country? What are their religions or beliefs and their cultural practices?

(b) Relations with the national population:

- Have there been any surveys?
- Have there been any studies and/or publications on the question of migrants and immigrant workers and their families, either by the Government or scholarly institutions, national institutions or non-governmental human rights organizations?

(c) What is the role of the media vis-à-vis the problem of immigrants, refugees and manifestations of xenophobia or intolerance?

7. Is there an official service to take up and handle incidents involving racial discrimination, xenophobia, intolerance and violence? What resources does it have to hand? How does it act? What results have been achieved?

8. Can you provide statistical data and, if possible, instances of case-law in this regard?

9. What measures are under consideration or have been taken by your Government to bring these phenomena under control:

- administrative and/or legal measures?

- economic and social measures?

- cultural measures: is education open and accessible to everyone? Are the cultures of minorities and immigrant workers taught and included in a national curriculum at school and university level, by means of activities and theatre productions, festivals and the like in order to make for a better cultural mutual understanding?

10. What measures are under consideration or have been taken by your Government to prevent demonstrations of xenophobia, intolerance and violence and the exclusion of foreigners or minority or vulnerable groups?

11. Are there political movements, groups or parties that advocate a racist or xenophobic ideology, preach national preference or incite to ethnic or religious cleansing? Conversely, do groups exist which promote and encourage in their programme a policy of welcome and of integration with cultural pluralism and respect for the dignity of others?

12. What measures and actions do you envisage in order to prevent and put an end to the new forms of racial discrimination, xenophobia, violence and intolerance?

13. What do you think of the new mandate and how do you anticipate contributing to its satisfactory implementation?